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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Scott O'Brian Smith,

10 Petitioner,

11 v.

12 Ryan Thornell, et al.,

13 Respondents.
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No. CV-23-08079-PCT-DWL

ORDER

15 This is a habeas corpus action under 28 U.S.C. § 2254. On February 28, 2024,
16 Magistrate Judge Bibles issued a 28-page report and recommendation (“R&R”) concluding
17 that Petitioner’s habeas petition should be denied. (Doc. 14.) Afterward, Petitioner filed
18 a two-page objection to the R&R (Doc. 17) and Respondents filed a response (Doc. 18).

19 Petitioner’s objections implicate 28 U.S.C. § 636(b)(1), which provides that when,
20 as here, a magistrate judge has issued an R&R regarding a dispositive matter and a party
21 has thereafter filed timely written objections, “[a] judge of the court shall make a de novo
22 determination of those portions of the [R&R] or specified proposed findings or
23 recommendations to which objection is made. A judge of the court may accept, reject, or
24 modify, in whole or in part, the findings or recommendations made by the magistrate judge.
25 The judge may also receive further evidence or recommit the matter to the magistrate judge
26 with instructions.” 28 U.S.C. § 636(b)(1). *See also* Fed. R. Civ. P. 72(b)(2)-(3). As the
27 Ninth Circuit has explained, “[i]n providing for a de novo determination . . . Congress
28 intended to permit whatever reliance a district judge, in the exercise of sound judicial

1 discretion, chose to place on a magistrate’s proposed findings and recommendations. . . .
 2 [D]istrict courts conduct proper de novo review where they state they have done so, even
 3 if the order fails to specifically address a party’s objections.” *United States v. Ramos*, 65
 4 F.4th 427, 433 (9th Cir. 2023) (cleaned up). *See also id.* at 434 (“[T]he district court ha[s]
 5 no obligation to provide individualized analysis of each objection.”). Additionally, district
 6 courts are not required to review any portion of an R&R to which no specific objection has
 7 been made. *See, e.g., Thomas v. Arn*, 474 U.S. 140, 149-50 (1985) (“It does not appear
 8 that Congress intended to require district court review of a magistrate’s factual or legal
 9 conclusions, under a *de novo* or any other standard, when neither party objects to those
 10 findings.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (“[T]he
 11 district judge must review the magistrate judge’s findings and recommendations de novo
 12 *if objection is made*, but not otherwise.”). Thus, district judges need not review an
 13 objection to an R&R that is general and non-specific. *See, e.g., Warling v. Ryan*, 2013 WL
 14 5276367, *2 (D. Ariz. 2013) (“Because de novo review of an entire R & R would defeat
 15 the efficiencies intended by Congress, a general objection ‘has the same effect as would a
 16 failure to object.’”) (citations omitted).

17 Here, even though there is a colorable argument that Petitioner’s objections are
 18 insufficient to trigger any need for further review (because they essentially restate
 19 arguments that Petitioner previously raised and do not purport to identify specific errors in
 20 the R&R’s analysis), the Court has, in an abundance of caution, performed a *de novo* review
 21 of the R&R and fully agrees with its analysis and conclusions.

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1 Accordingly,

2 **IT IS ORDERED** that:

3 1. The R&R (Doc. 14) is **adopted**.

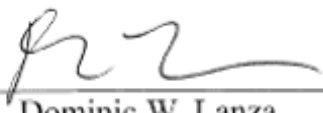
4 2. Petitioner's objections (Doc. 17) are **overruled**.

5 3. The petition (Doc. 1) is **denied**.

6 4. A certificate of appealability and leave to proceed in forma pauperis on
7 appeal are **denied** because Petitioner has not made a substantial showing of the denial of a
8 constitutional right and because the denial of the petition is justified by a plain procedural
9 bar and jurists of reason would not find the procedural ruling debatable.

10 5. The Clerk shall enter judgment accordingly and terminate this action.

11 Dated this 26th day of March, 2024.

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16 Dominic W. Lanza
17 United States District Judge
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